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S-2053.2		

SUBSTITUTE SENATE BILL 5060

State of Washington 57th Legislature 2001 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Winsley and Patterson)

READ FIRST TIME 03/05/01.

- 1 AN ACT Relating to alternative public works contracting procedures;
- 2 amending RCW 39.10.010, 39.10.020, 39.10.050, 39.10.110, 39.10.115, and
- 3 39.10.902; amending 2000 c 138 s 106 (uncodified); reenacting and
- 4 amending RCW 39.10.060 and 39.10.120; providing an effective date; and
- 5 declaring an emergency.
- 6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 7 **Sec. 1.** RCW 39.10.010 and 1994 c 132 s 1 are each amended to read 8 as follows:
- 9 The legislature finds that the traditional process of awarding
- 10 public works contracts in lump sum to the lowest responsible bidder is
- 11 a fair and objective method of selecting a contractor. However, under
- 12 certain circumstances, alternative public works contracting procedures
- 13 may best serve the public interest if such procedures are implemented
- 14 in an open and fair process based on objective and equitable criteria.
- 15 The purpose of this chapter is to authorize the use of certain
- 16 supplemental alternative public works contracting procedures by state
- 17 agencies and ((large)) municipalities under limited circumstances, to
- 18 prescribe appropriate requirements to ensure that such contracting

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- 1 procedures serve the public interest, and to establish a process for
- 2 evaluation of such contracting procedures.
- 3 **Sec. 2.** RCW 39.10.020 and 2000 c 209 s 1 are each amended to read 4 as follows:
- 5 Unless the context clearly requires otherwise, the definitions in 6 this section apply throughout this chapter.
- 7 (1) "Alternative public works contracting procedure" means the 8 design-build and the general contractor/construction manager 9 contracting procedures authorized in RCW 39.10.050 and 39.10.060, 10 respectively.
- 11 (2) "Public body" means the state department of general 12 administration; the University of Washington; Washington State University; Central Washington University; Eastern Washington 13 14 <u>University; Western Washington University; The Evergreen State College;</u> 15 every city with a population greater than ((one hundred fifty)) seventy thousand; ((every city authorized to use the design build procedure for 16 a water system demonstration project under RCW 39.10.065(3);)) every 17 18 county with a population greater than ((four)) three hundred ((fifty)) 19 thousand; every port district with ((a population)) total revenues greater than ((five hundred thousand)) fifteen million dollars per 20 year; every public utility district with revenues from energy sales 21 greater than sixty-five million dollars per year; and those school 22 23 districts proposing projects that are considered and approved by the 24 school district project review board under RCW 39.10.115.
- 25 (3) "Public works project" means any work for a public body within 26 the definition of the term public work in RCW 39.04.010.
- 27 **Sec. 3.** RCW 39.10.050 and 1997 c 376 s 3 are each amended to read 28 as follows:
- 29 (1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the design-30 31 build procedure of public works contracting for public works projects 32 authorized under this section: The state department of general 33 administration; the University of Washington; Washington State University; Central Washington University; Eastern Washington 34 35 <u>University; Western Washington University; The Evergreen State College;</u> every city with a population greater than ((one hundred fifty)) seventy 36 thousand; every county with a population greater than ((four)) three 37

- 1 hundred ((fifty)) thousand; ((fifty)) every port district with ((fifty))
- 2 population)) total revenues greater than ((five hundred thousand))
- 3 fifteen million dollars per year; and every public utility district
- 4 with revenues from energy sales greater than sixty-five million dollars
- 5 per year. The authority granted to port districts in this section is
- 6 in addition to and does not affect existing contracting authority under
- 7 RCW 53.08.120 and 53.08.130. The authority granted to public utility
- 8 districts in this section and in RCW 39.10.060 is in addition to and
- 9 does not affect existing contracting authority under chapter 54.04 RCW.
- 10 For the purposes of this section, "design-build procedure" means a
- 11 contract between a public body and another party in which the party
- 12 agrees to both design and build the facility, portion of the facility,
- 13 or other item specified in the contract.
- 14 (2) Public bodies authorized under this section may utilize the
- 15 design-build procedure for public works projects valued over ten
- 16 million dollars where:
- 17 (a) The construction activities or technologies to be used are
- 18 highly specialized and a design-build approach is critical in
- 19 developing the construction methodology or implementing the proposed
- 20 technology; or
- 21 (b) The project design is repetitive in nature and is an incidental
- 22 part of the installation or construction; or
- 23 (c) Regular interaction with and feedback from facilities users and
- 24 operators during design is not critical to an effective facility
- 25 design.
- 26 (3) Public bodies authorized under this section may also use the
- 27 design-build procedure for the following projects that meet the
- 28 criteria in subsection (2)(b) and (c) of this section:
- 29 (a) The construction or erection of preengineered metal buildings
- 30 or prefabricated modular buildings, regardless of cost; or
- 31 (b) The construction of new student housing projects valued over
- 32 five million dollars.
- 33 (4) Contracts for design-build services shall be awarded through a
- 34 competitive process utilizing public solicitation of proposals for
- 35 design-build services. The public body shall publish at least once in
- 36 a legal newspaper of general circulation published in or as near as
- 37 possible to that part of the county in which the public work will be
- 38 done, a notice of its request for proposals for design-build services

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- 1 and the availability and location of the request for proposal 2 documents. The request for proposal documents shall include:
- 3 (a) A detailed description of the project including programmatic, 4 performance, and technical requirements and specifications, functional 5 and operational elements, minimum and maximum net and gross areas of 6 any building, and, at the discretion of the public body, preliminary 7 engineering and architectural drawings;
 - (b) The reasons for using the design-build procedure;

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- 9 (c) A description of the qualifications to be required of the 10 proposer including, but not limited to, submission of the proposer's 11 accident prevention program;
- (d) A description of the process the public body will use to 12 13 evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. Evaluation factors shall include, but 14 15 not be limited to: Proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget 16 17 requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; 18 19 location; and the concept of the proposal;
 - (e) The form of the contract to be awarded;
- 21 (f) The maximum allowable construction cost and minority and women 22 enterprise total project goals;
- 23 (g) The amount to be paid to finalists submitting best and final 24 proposals who are not awarded a design-build contract; and
 - (h) Other information relevant to the project.
 - (5) The public body shall establish a committee to evaluate the proposals based on the factors, weighting, and process identified in the request for proposals. Based on its evaluation, the public body shall select not fewer than three nor more than five finalists to submit best and final proposals. The public body may, in its sole discretion, reject all proposals. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection.
- 33 (a) Best and final proposals shall be evaluated and scored based on 34 the factors, weighting, and process identified in the initial request 35 for proposals. The public body may score the proposals using a system 36 that measures the quality and technical merits of the proposal on a 37 unit price basis. Final proposals may not be considered if the 38 proposal cost is greater than the maximum allowable construction cost 39 identified in the initial request for proposals. The public body shall

initiate negotiations with the firm submitting the highest scored best and final proposal. If the public body is unable to execute a contract with the firm submitting the highest scored best and final proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing plans and specifications that adequately meet project requirements, the public body may award the contract to the firm that submits the responsive best and final proposal with the lowest price.

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- 12 (6) The firm awarded the contract shall provide a performance and 13 payment bond for the contracted amount. The public body shall provide 14 appropriate honorarium payments to finalists submitting best and final 15 proposals who are not awarded a design-build contract. Honorarium 16 payments shall be sufficient to generate meaningful competition among 17 potential proposers on design-build projects.
 - Sec. 4. RCW 39.10.060 and 2000 c 209 s 2 and 2000 c 194 s 1 are each reenacted and amended to read as follows:
 - (1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, ((the following)) a public ((bodies)) body may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section((: The state department of general administration; the University of Washington; Washington State University; every city with a population greater than one hundred fifty thousand; every county with a population greater than four hundred fifty thousand; every port district with a population greater than five hundred thousand; and those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115)). this section, For the purposes of contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of

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work, and to act as the construction manager and general contractor during the construction phase.

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- (2) Except those school districts proposing projects that are 4 considered and approved by the school district project review board, public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over ten million dollars where:
- 8 (a) Implementation of the project involves complex scheduling 9 requirements; or
- 10 (b) The project involves construction at an existing facility which 11 must continue to operate during construction; or
- (c) The involvement of the general contractor/construction manager 12 13 during the design stage is critical to the success of the project.
 - (3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.
- 17 (4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive 18 19 process requiring the public solicitation of proposals for general 20 contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including 21 performance, 22 programmatic, and technical requirements specifications when available; the reasons for using the general 23 24 contractor/construction manager procedure; a description of the 25 qualifications to be required of the proposer, including submission of 26 the proposer's accident prevention program; a description of the 27 process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of 28 29 factors; the form of the contract to be awarded; the estimated maximum 30 allowable construction cost; minority and women business enterprise 31 total project goals, where applicable; and the bid instructions to be used by the general contractor/construction manager finalists. 32 Evaluation factors shall include, but not be limited to: Ability of 33 34 professional personnel, past performance in negotiated and complex 35 projects, and ability to meet time and budget requirements; the scope of work the general contractor/construction manager proposes to self-36 37 perform and its ability to perform it; location; recent, current, and projected work loads of the firm; and the concept of their proposal. 38 A public body shall establish a committee to evaluate the proposals.

After the committee has selected the most qualified finalists, these 1 finalists shall submit final proposals, including sealed bids for the 2 percent fee, which is the percentage amount to be earned by the general 3 4 contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for 5 the detailed specified general conditions work. The public body shall 6 7 select the firm submitting the highest scored final proposal using the 8 evaluation factors and the relative weight of factors published in the 9 public solicitation of proposals.

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- (5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The quaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.
- (6) All subcontract work shall be competitively bid with public bid openings. Subcontract work shall not be issued for bid until the public body has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the general contractor/construction manager for attaining applicable minority and women business enterprise total project goals that equitably spreads women and minority enterprise opportunities to as many firms in as many bid packages as is practicable. When critical to the successful completion of a subcontractor bid package and after publication of notice of intent to determine bidder eligibility in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be

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- 1 done at least twenty days before requesting qualifications from
- 2 <u>interested subcontract bidders</u>, the owner and general
- 3 contractor/construction manager may ((evaluate for)) determine
- 4 <u>subcontractor</u> bidding eligibility ((a <u>subcontractor's ability</u>, time,
- 5 budget, and specification requirements based on the subcontractor's
- 6 performance of those items on previous projects)) using the following
- 7 <u>evaluation criteria:</u>
- 8 <u>(a) Adequate financial resources or the ability to secure such</u> 9 resources;
- 10 <u>(b) History of successful completion of a contract of similar type</u>
 11 <u>and scope</u>;
- 12 <u>(c) Project management and project supervision personnel with</u>
- 13 <u>experience on similar projects and the availability of such personnel</u>
- 14 for the project;
- 15 (d) Current and projected workload and the impact the project will
- 16 <u>have on the subcontractor's current and projected workload;</u>
- 17 (e) Ability to accurately estimate the subcontract bid package
- 18 scope of work;
- 19 <u>(f) Ability to meet subcontract bid package shop drawing and other</u>
- 20 coordination procedures;
- 21 (g) Eligibility to receive an award under applicable laws and
- 22 regulations; and
- 23 (h) Ability to meet subcontract bid package scheduling
- 24 requirements.
- 25 The owner and general contractor/construction manager shall weigh
- 26 the evaluation criteria and determine a minimum acceptable score to be
- 27 <u>considered an eligible subcontract bidder.</u>
- 28 After publication of notice of intent to determine bidder
- 29 <u>eligibility</u>, <u>subcontractors</u> <u>requesting</u> <u>eligibility</u> <u>shall</u> <u>be</u> <u>provided</u>
- 30 the evaluation criteria and weighting to be used by the owner and
- 31 general contractor/construction manager to determine eligible
- 32 subcontract bidders. After the owner and general
- 33 contractor/construction manager determine eligible subcontract bidders,
- 34 <u>subcontractors requesting eligibility shall be provided the results and</u>
- 35 scoring of the subcontract bidder eligibility determination.
- 36 Subcontract bid packages shall be awarded to the responsible bidder
- 37 submitting the low responsive bid. The requirements of RCW 39.30.060
- 38 apply to each subcontract bid package. All subcontractors who bid work
- 39 over three hundred thousand dollars shall post a bid bond and all

subcontractors who are awarded a contract over three hundred thousand 1 2 dollars shall provide a performance and payment bond for their contract All other subcontractors shall provide a performance and 3 4 payment bond if required by the general contractor/construction 5 manager. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or 6 7 subsequent call for bids is made for the project. Except as provided 8 for under subsection (7) of this section, bidding on subcontract work 9 by the general contractor/construction manager or its subsidiaries is 10 prohibited. The general contractor/construction manager may negotiate 11 with the low-responsive bidder in accordance with RCW 39.10.080 or, if 12 unsuccessful in such negotiations, rebid.

- 13 (7) The general contractor/construction manager, or its 14 subsidiaries, may bid on subcontract work if:
- 15 (a) The work within the subcontract bid package is customarily 16 performed by the general contractor/construction manager;
 - (b) The bid opening is managed by the public body; and

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- 18 (c) Notification of the general contractor/construction manager's 19 intention to bid is included in the public solicitation of bids for the 20 bid package.
- In no event may the value of subcontract work performed by the general contractor/construction manager exceed thirty percent of the negotiated maximum allowable construction cost.
 - (8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager.
- 35 **Sec. 5.** RCW 39.10.110 and 1997 c 376 s 6 are each amended to read as follows:
- 37 (1) There is established a ((temporary independent oversight))
 38 public works procurement committee to review the utilization of the

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alternative public works contracting procedures authorized under this 1 2 chapter, to evaluate potential future utilization of other alternative contracting procedures, including, but not limited to, contractor 3 4 prequalification, and, if desired by the committee, to review 5 traditional public works contracting procedures used by state agencies and municipalities. The committee shall also pursue the development of 6 7 a mentoring program for expansion of the authorities in this chapter to 8 other public bodies. The membership of the committee shall include: 9 Two members of the house of representatives, one from each major 10 caucus, appointed by the speaker of the house of representatives; two 11 members of the senate, one from each major caucus, appointed by the 12 president of the senate; representatives from the appropriate segments 13 construction, contracting, subcontracting, of the and design industries, appointed by the governor; representatives from appropriate 14 15 labor organizations, appointed by the governor; representatives from 16 public bodies authorized to use the alternative public works 17 contracting procedures under this chapter, appointed by the governor; a representative from the office of minority and women's business 18 19 enterprises, appointed by the governor; and a representative from the 20 office of financial management, appointed by the governor. The governor shall maintain a balance between representatives from public 21 agencies and the private sector when appointing members to the 22 committee, and shall consider the recommendations of the established 23 24 organizations representing the construction, contracting, 25 subcontracting, and design industries and organized labor in making the 26 industry and labor appointments.

- (2) ((The committee shall meet beginning after July 1, 1994.)) A
 chair or cochairs shall be selected from among the committee's
 membership. Staff support for the committee shall be provided by the
 agencies and organizations represented on the committee.
- 31 (3) Public bodies utilizing the alternative contracting procedures 32 authorized under this chapter shall provide any requested information 33 concerning implementation of projects under this chapter to the 34 committee in a timely manner, excepting any trade secrets or 35 proprietary information.
- 36 (4) The committee shall report to the appropriate standing 37 committees of the legislature by December ((10, 2000,)) 10th of each 38 year concerning its findings and recommendations.

- 1 **Sec. 6.** 2000 c 138 s 106 (uncodified) is amended to read as 2 follows:
- A report on the use of the small works roster shall be made to the 4 ((independent oversight)) public works procurement committee 5 established under RCW 39.10.110 prior to the 2003 legislative session.
- 6 **Sec. 7.** RCW 39.10.115 and 2000 c 209 s 4 are each amended to read 7 as follows:
- 8 (1) The school district project review board is established to 9 review school district proposals submitted by school districts to use alternative public works contracting procedures. 10 The board shall select and approve qualified projects based upon an evaluation of the 11 12 information submitted by the school district under subsection (2) of 13 this section. The membership of the board shall be selected by the 14 ((independent oversight)) public works procurement committee as established under RCW 39.10.110 and shall include the following 15 16 representatives, each having experience with public works or commercial construction: One representative from the office of the superintendent 17 18 of public instruction; one representative from the office of financial 19 management; two representatives from the construction industry, one of whom works for a construction company with gross annual revenues of 20 twenty million dollars or less; one representative from the specialty 21 22 contracting industry; one representative from organized labor; one 23 representative from the design industry; one representative from a 24 public body previously authorized under this chapter to use an 25 alternative public works contracting procedure who has experience using 26 such alternative contracting procedures; one representative from school 27 districts with ten thousand or more annual average full-time equivalent pupils; and one representative from school districts with fewer than 28 29 ten thousand average full-time equivalent pupils. Each member shall be 30 appointed for a term of three years, with the first three-year term commencing after June 8, 2000. Any member of the school district 31 project review board who is directly affiliated with any applicant 32 33 before the board must recuse him or herself from consideration of the 34 application.
 - (2) A school district seeking to use alternative contracting procedures authorized under this chapter shall file an application with the school district project review board. The application form shall require the district to submit a detailed statement of the proposed

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project, including the school district's name; student population based upon October full-time equivalents; the current projected total budget 2 for the project, including the estimated construction costs, costs for 3 4 professional services, equipment and furnishing costs, off-site costs, contract administration costs, and other related project costs; the 5 anticipated project design and construction schedule; a summary of the 6 7 school district's construction activity for the preceding six years; 8 and an explanation of why the school district believes the use of an 9 alternative contracting procedure is in the public interest and why the 10 school district is qualified to use an alternative contracting procedure, including a summary of the relevant experience of the school 11 district's management team. The applicant shall also provide in a 12 timely manner any other information concerning implementation of 13 projects under this chapter requested by the school district project 14 15 review board to assist in its consideration.

- (3) Any school district whose application is approved by the school district project review board shall comply with the public notification and review requirements in RCW 39.10.030.
- (4) Any school district whose application is approved by the school district project review board shall not use as an evaluation factor whether a contractor submitting a bid for the approved project has had prior general contractor/construction manager procedure experience.
- (5) The school district project review board shall prepare and issue a report reviewing the use of the alternative public works contracting procedures by school districts. The board shall report to the ((independent oversight)) public works procurement committee at least sixty days before the ((oversight)) committee is required to report to the legislature under RCW 39.10.110(4).
- 29 **Sec. 8.** RCW 39.10.120 and 1997 c 376 s 7 and 1997 c 220 s 404 are 30 each reenacted and amended to read as follows:
- (1) Except as provided in subsections (2) and (3) of this section, the alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, ((2001)) 2007. Methods of public works contracting authorized by RCW 39.10.050 and 39.10.060 shall remain in full force and effect until completion of contracts signed before July 1, ((2001)) 2007.
- 37 (2) For the purposes of a baseball stadium as defined in RCW 38 82.14.0485, the design-build contracting procedures under RCW 39.10.050

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- shall remain in full force and effect until completion of contracts signed before December 31, 1997.
- 3 (3) For the purposes of a stadium and exhibition center, as defined
- 4 in RCW 36.102.010, the design-build contracting procedures under RCW
- 5 39.10.050 shall remain in full force and effect until completion of
- 6 contracts signed before December 31, 2002.
- 7 **Sec. 9.** RCW 39.10.902 and 1997 c 376 s 8 are each amended to read
- 8 as follows:
- 9 The following acts or parts of acts, as now existing or hereafter
- 10 amended, are each repealed, effective July 1, ((2001)) 2007:
- 11 (1) RCW 39.10.010 and <u>section 1 of this act &</u> 1994 c 132 s 1;
- 12 (2) RCW 39.10.020 and section 2 of this act, 2000 c 209 s 1, 1997
- 13 <u>c 376 s 1, &</u> 1994 c 132 s 2;
- 14 (3) RCW 39.10.030 and <u>1997 c 376 s 2 &</u> 1994 c 132 s 3;
- 15 (4) RCW 39.10.040 and 1994 c 132 s 4;
- 16 (5) RCW 39.10.050 and section 3 of this act, 1997 c 376 s 3, & 1994
- 17 c 132 s 5;
- 18 (6) RCW 39.10.060 and <u>section 4 of this act, 2000 c 209 s 2, 2000</u>
- 19 <u>c 194 s 1, 1997 c 376 s 4, 1996 c 18 s 6, &</u> 1994 c 132 s 6;
- 20 (7) RCW 39.10.065 and 1997 c 376 s 5;
- 21 (8) RCW 39.10.067 and 2000 c 209 s 3;
- 22 (9) RCW 39.10.070 and 1994 c 132 s 7;
- 23 $((\frac{9}{}))$ (10) RCW 39.10.080 and 1994 c 132 s 8;
- 24 (((10))) (11) RCW 39.10.090 and 1994 c 132 s 9;
- 25 $((\frac{11}{11}))$ (12) RCW 39.10.100 and 1994 c 132 s 10;
- 26 $((\frac{12}{12}))$ (13) RCW 39.10.110 and section 5 of this act, 1997 c 376
- 27 <u>s 6, &</u> 1994 c 132 s 11;
- 28 (((13))) (14) RCW 39.10.115 and section 7 of this act & 2000 c 209
- 29 <u>s 4;</u>
- 30 (15) RCW 39.10.900 and 1994 c 132 s 13; and
- 31 $((\frac{14}{14}))$ (16) RCW 39.10.901 and 1994 c 132 s 14(($\frac{1}{14}$ and
- 32 (15) RCW 39.10.902 and 1994 c 132 s 15)).
- 33 <u>NEW SECTION.</u> **Sec. 10.** This act is necessary for the immediate
- 34 preservation of the public peace, health, or safety, or support of the

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- 1 state government and its existing public institutions, and takes effect
- 2 July 1, 2001.

--- END ---